

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:18-cv-06498-AMD-SMG**

Marin v. Kenna  
Assigned to: Judge Ann M Donnelly  
Referred to: Magistrate Judge Steven M. Gold  
Case in other court: New York Southern, 1:18-cv-08762  
Cause: 28:1331 Fed. Question

Date Filed: 11/14/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: Federal Question

**Plaintiff****Florica Marin**

represented by **Florica Marin**  
22-26 Greene Avenue  
Apt. #1  
Flushing, NY 11385  
PRO SE

V.

**Defendant**

**Francis K. Kenna**  
*County Clerk*

represented by **Shawn Kerby**  
Office of Court Administration  
25 Beaver Street  
New York, NY 10004  
212-428-2150  
Fax: 212-428-2155  
Email: [skerby@courts.state.ny.us](mailto:skerby@courts.state.ny.us)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/25/2018	<u>1</u>	COMPLAINT against Francis K. Kenna. (Filing Fee \$ 400.00, Receipt Number 465401218972) Document filed by Florica Marin.(jgo) [Transferred from New York Southern on 11/15/2018.] (Davis, Kimberly). (Entered: 09/25/2018)
09/25/2018	<u>2</u>	CIVIL COVER SHEET filed. (jgo) [Transferred from New York Southern on 11/15/2018.] (Davis, Kimberly). (Entered: 09/25/2018)
09/25/2018		SUMMONS ISSUED as to Francis K. Kenna. (jgo) [Transferred from New York Southern on 11/15/2018.] (Entered: 09/25/2018)
09/25/2018		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (jgo) [Transferred from New York Southern on 11/15/2018.] (Entered: 09/25/2018)
09/25/2018		Case Designated ECF. (jgo) [Transferred from New York Southern on 11/15/2018.] (Entered: 09/25/2018)
09/28/2018	<u>3</u>	TRANSFER ORDER: Accordingly, venue lies in the Eastern District of New York, 28 U.S.C. § 1391(b)(2), and this action is transferred to the United States District Court for the Eastern District of New York, 28 U.S.C. § 1406(a). The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket. The Clerk of Court is further directed to transfer this action to the United States District Court for the Eastern District of New York. This order closes this case. The Court certifies, pursuant to 28 U.S.C § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). SO ORDERED. (Signed by Judge Andrew L. Carter, Jr on 9/28/2018) Copies Mailed By Chambers. (rj) Transmission to Docket Assistant Clerk for

		processing.[Transferred from New York Southern on 11/15/2018.] (Davis, Kimberly). (Entered: 09/28/2018)
09/28/2018		Mailed a copy of <u>3</u> Order, to Florica Marin 22-26 Greene Ave Apt 1 Flushing, NY 11385. (aea) [Transferred from New York Southern on 11/15/2018.] (Entered: 09/28/2018)
11/15/2018	<u>4</u>	Case transferred in from District of New York Southern; Case Number 1:18-cv-08762. Original file certified copy of transfer order and docket sheet received. (Entered: 11/15/2018)
11/15/2018	<u>5</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Davis, Kimberly) (Entered: 11/15/2018)
11/19/2018	<u>6</u>	Copy of Summons Issued as to Francis K. Kenna. (Ramesar, Thameera) (Entered: 11/19/2018)
11/21/2018	<u>7</u>	SUMMONS Returned Executed Francis K. Kenna served on 11/20/2018, answer due 12/11/2018. (Ramesar, Thameera) (Entered: 11/21/2018)
11/27/2018	<u>8</u>	NOTICE of Appearance by Shawn Kerby on behalf of Francis K. Kenna (aty to be noticed) (Kerby, Shawn) (Entered: 11/27/2018)
12/06/2018	<u>9</u>	MEMORANDUM DECISION AND ORDER. The action is dismissed for lack of subject matter jurisdiction. A court dismissing a pro se complaint should grant leave to amend "at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated." Chavis V. Chappius, 618 F.3d 162, 170 (2d Cir. 2010) (alterations and quotation marks omitted). Therefore, the Court grants the plaintiff leave to amend the complaint within 30 days of this Order being entered. If the plaintiff chooses to file an amended complaint, the amended complaint must either raise a question of federal law or present a claim between parties with complete diversity of citizenship. The amended complaint will replace the original complaint. It must be captioned "Amended Complaint," and must have the same docket number as this Memorandum and Order. If the plaintiff does not file an amended complaint within the time allowed or cure the deficiencies discussed herein, the Clerk of the Court is respectfully directed to enter judgment dismissing this action for the reasons set forth above. Ordered by Judge Ann M. Donnelly on 12/6/2018. (Greene, Donna) (Entered: 12/06/2018)